

1951
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SOUTH-EAST ASIA

BRUNEI

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INDIA (CONSEQUENTIAL PROVISION)

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ENACTMENT No 7 OF 1951

Previous

Subsequent

H531

9/8

H02 Legal Library

11/8

Mr Sane H532

16/8

Sir G. Whiteley

16/8

MR. Oxley

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MR. Sand

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CO 943/2/5

1951

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1. BRUNEI Sav 72 — 31. 7. 51
(ORIG ON 59709/35/51)

Legal Advisor
Mr. Oseley.

Sir G. Whitely to see.

ASant
16/8

Mr. Oseley *none till 17/8*

Any legal observations please?

G.E. Whitely
16/8.

2 Brunei Sav 80 — 28. 8. 51
(ORIG ON 59709/35/51)

Noted in LC
22/29/51

B

Saving

ORIG

59709/35

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From the Secretary of State for the Colonies.
To the ~~Chief~~ ^{HIGH COMMISSIONER FOR BRUNEI.} Administering the Government of

Date 28 August, 1951.

No. 80 Saving

Your Savingram No. 72 dated 31st July,
1951.

I acknowledge receipt of the following
enactments, on which I have no observations
to make:-

~~Revised Edition of the Laws Enactment~~
No. 4 of 1951.

~~Application of Laws Enactment~~
No. 5 of 1951

~~Bishop of Borneo (Incorporation)~~
Enactment, No. 6 of 1951.

~~India (Consequential Provision)~~
Enactment, No. 7 of 1951.

SECEP.

OR16 ON 59709/35/51

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COPY

PAS/WM. REF: 27/HCO/110

Saving

From the High Commissioner for Brunei.

To the Secretary of State for the Colonies.

Date 31st July, 1951.

No. 72. Saving.

I enclose Legal Reports by the Legal Officer
on the following Brunei Enactments:-

~~Revised Edition of the Laws Enactment,
No. 4 of 1951.~~

~~Application of Laws Enactment,
No. 5 of 1951.~~

~~Bishop of Borneo (Incorporation) Enactment,
No. 6 of 1951.~~

India (Consequential Provision) Enactment,
No. 7 of 1951.

Ten copies of each Enactment are enclosed.

No. S 7—INDIA (CONSEQUENTIAL PROVISION) ENACTMENT, 1951.

The following Enactment by His Highness the Sultan in Council is published for general information:—

STATE OF BRUNEI.**Enactment No. 7 of 1951.**

An Enactment to make provision as to the operation of the law in relation to India, and persons and things in any way belonging to or connected with India, in view of India's becoming a Republic while remaining a member of the Commonwealth.

E. E. F. PRETTY,
*British Resident,
Brunei.*

[25th April, 1951.]

WHEREAS on the twenty-sixth day of January, 1950, India became a Republic while remaining a member of the Commonwealth:

It is hereby enacted by His Highness the Sultan in Council as follows—

Short title
and commence-
ment.

1. This Enactment may be cited as the India (Consequential Provision) Enactment, 1951, and shall be deemed to have come into force on the twenty-sixth day of January, 1950.

Operation of
existing law
in relation
to India in
view of India's
becoming a
Republic.

2.—(1) On and after the twenty-sixth day of January, 1950, being the date of India's becoming a Republic, all existing law, that is to say, all law which, whether being a rule of law or a provision of an Enactment or of any other enactment or instrument whatsoever, is in force on that date or has been passed or made before that date and comes into force thereafter, shall, until provision to the contrary is made by the authority having power to alter that law and subject to the provisions of subsection (2) of this section, have the same operation in relation to India, and to persons and things in any way belonging to or connected with India, as it would have had if India had not become a Republic.

vested in the corporation for the respective estates and interests for which the same is held.

5. Any deed, document or other instruments, the operation of which has not lapsed or been discharged prior to the date of commencement of this Enactment and in which appears the name of the Society for the Propagation of the Gospel or of the Bishop of Labuan and Sarawak shall be read and construed as if there were substituted therefor the corporate name of the Bishop of Borneo.

Documents.

*Enactment
No. 2 of
1921.*

6. All deeds, documents and other instruments requiring the seal of the corporation shall be sealed with the seal of the corporation in the presence of the Bishop of Borneo for the time being or his attorney duly authorised by a power of attorney deposited under section 3 of the Powers of Attorney Enactment, 1921, and shall also be signed by the said Bishop for the time being or his attorney so authorised as aforesaid, and such signing shall be sufficient evidence that the said seal was duly and properly affixed and that the same is the lawful seal of the corporation.

Use of
corporate
seal.

*Enactment
No. 8 of
1948.*

7. Section 10 of the Marriage Enactment, 1948, shall be read and construed as if for the words "Bishop of Labuan and Sarawak" appearing in subsection (3) thereof there were substituted the words "Bishop of Borneo", and every other written law in which the words "Bishop of Labuan and Sarawak" appear shall be similarly read and construed.

Amendment
of written
laws.

8. A notification by the Resident of the appointment of any person to exercise the office of Bishop of Borneo shall be conclusive evidence that such person was duly authorised to exercise the said office in the State.

Notification of
appointment.

(2) The Sultan in Council may by Order make provision for such modification of any existing law to which this Enactment extends as may appear to him to be necessary or expedient in view of India's becoming a Republic while remaining a member of the Commonwealth, and subsection (1) of this section shall have effect in relation to any such law as modified by such an Order save in so far as the contrary intention appears in the Order.

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STATE OF BRUNEI

India (Consequential Provision) Enactment, 1951.

(Enactment No.7 of 1951)

Legal Report.

On the constitution of India as a Republic within the British Commonwealth India ceased to be a part of His Majesty's dominions and, as a result of the creation of this anomalous status, the India (Consequential Provision) Act, 1949, was passed in order to avoid any change in the legal position under United Kingdom law of India and Indians.

13 and 14
Geo.6,
c.92.

2. Whilst this Act was designed to extend its rules to colonies, protectorates and trust territories, it appeared that the Act did not apply to the State of Brunei, as a protected state, and that a local enactment on the lines of the United Kingdom Act would be necessary. This point was considered by the Secretary of State for the Colonies, and in his Saving of 2nd June, 1950, (No.46, ref.2281/50) the view was expressed that it was desirable that legislation based on section 1(1) of the Act of 1949 should be enacted in Brunei.

3. The Enactment therefore follows the provisions of the India (Consequential Provision) Act, 1949, section 1(1) and (3) of that Act being adapted as section 2(1) and (2) of the Enactment.

R. L. L. L.
for Legal Adviser,
Brunei.

July 25, 1951.

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Enactments. India (Consequential Provision) Enactment No 7 of 1951. 1951. MS Records of the British Colonial Office CO 943/2/5. The National Archives (Kew, United Kingdom). State Papers Online Colonial, link.gale.com/apps/doc/PBVRLI498954999/SPOC?u=omni&sid=bookmark-SPOC&pg=1. Accessed 21 Dec. 2024.